

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT**

Applicants:	Michael J. Berardi, et al.	Docket No.:	60655.1400
Serial No.:	10/810,473	Filing Date:	August 30, 2004
Group Art Unit:	3621	Confirmation No.:	9805
TITLE:	SYSTEM AND METHOD FOR ENCODING INFORMATION IN MAGNETIC STRIPE FORMAT FOR USE IN RADIO FREQUENCY IDENTIFICATION TRANSACTIONS	Examiner:	Kamal, Shahid

**REQUEST TO EXAMINER TO ACKNOWLEDGE PROPER PRIORITY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

Henry C. Yuen, SPE (571-272-4856), instructed us to file another Request for Corrected Filing Receipt and Request to Examiner to Acknowledge Proper Priority.

Applicants respectfully request that the full priority be acknowledged and the United States Patent and Trademark Office's records to be updated accordingly.

On March 26, 2004 the application was filed with the following priority paragraph:

This invention is a continuation in part of, and claims priority to U.S. Patent Application No. 10/192,488, entitled "SYSTEM AND METHOD FOR PAYMENT USING RADIO FREQUENCY IDENTIFICATION IN CONTACT AND CONTACTLESS TRANSACTIONS," filed on July 9, 2002 (which itself claims priority to U.S. Provisional Patent Application No. 60/304,216, filed July 10, 2001), and to U.S. Patent Application No. 10/340,352, entitled "SYSTEM AND METHOD FOR INCENTING PAYMENT USING RADIO FREQUENCY IDENTIFICATION IN CONTACT AND CONTACTLESS TRANSACTIONS," filed January 10, 2003 (which itself claims priority to U.S. Provisional Patent

Application No. 60/396,577, filed July 16, 2002), all of which are incorporated herein by reference.

Per the "Response to Request for Corrected Filing Receipt" mailed August 31, 2004, Applicants filed a Preliminary Amendment on January 5, 2005. The Preliminary Amendment clarified the relationship between the current application and U.S. Serial Nos. 10/340,352 and 60/396,577, as set forth below:

This invention is a continuation-in-part of, and claims priority to U.S. Patent Application No. 10/192,488, entitled "SYSTEM AND METHOD FOR PAYMENT USING RADIO FREQUENCY IDENTIFICATION IN CONTACT AND CONTACTLESS TRANSACTIONS," filed on July 9, 2002 (which itself claims priority to U.S. Provisional Patent Application No. 60/304,216, filed July 10, 2001), and is also a continuation-in-part of and claims priority to U.S. Patent Application No. 10/340,352, entitled "SYSTEM AND METHOD FOR INCENTING PAYMENT USING RADIO FREQUENCY IDENTIFICATION IN CONTACT AND CONTACTLESS TRANSACTIONS," filed January 10, 2003 (which itself claims priority to U.S. Provisional Patent Application No. 60/396,577, filed July 16, 2002), all of which are incorporated herein by reference.

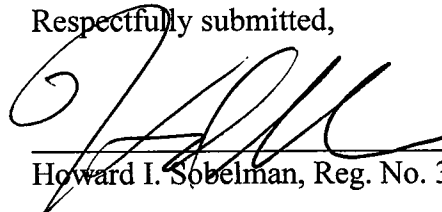
Attached is a copy of the Declaration as filed. The priority information provided in the application as filed and the preliminary amendment as filed agree with the Declaration as filed.

We look forward to receiving correspondence acknowledging the proper priority for this application. If you should have any questions, please do not hesitate to contact the undersigned at the telephone number listed below.

Dated: August 31, 2010

**SNELL & WILMER L.L.P.**  
One Arizona Center, 400 E. Van Buren  
Phoenix, Arizona 85004-2202  
Phone: (602) 382-6228  
Fax: (602) 382-6070  
Email: [hsobelman@swlaw.com](mailto:hsobelman@swlaw.com)

Respectfully submitted,



Howard I. Sobelman, Reg. No. 39,038



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-- PATENT --

Applicant(s): **Michael J. Berardi, et al.** Attorney Docket No.: **60655.1400**  
Serial No.: **10/810,473**; Confirmation No.: **9805** Examiner **TBA**  
Date Filed: **March 26, 2004** Group Art Unit: **2635**  
Title: **SYSTEM AND METHOD FOR ENCODING INFORMATION IN  
MAGNETIC STRIPE FORMAT FOR USE IN RADIO FREQUENCY  
IDENTIFICATION TRANSACTIONS**

**DECLARATION FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and sole inventor (if only one name is listed below) or an original, first and joint (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

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the specification of which is attached hereto or was filed on March 26, 2004, as Application Serial No. 10/810,473, and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below, and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign  
Application(s)

Priority Not Claimed

[ ]

Number

Country

Filing Date

<u>60/304,216</u>	<u>July 10, 2001</u>
Application Number	Filing Date
<u>60/396,577</u>	<u>July 16, 2002</u>
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<u>10/192,488</u>	<u>July 9, 2002</u>	<u>                    </u>
Application Number	Filing Date	Status (Patent, Pending, Abandoned)
<u>10/340,352</u>	<u>January 10, 2003</u>	<u>                    </u>
Application Number	Filing Date	Status (Patent, Pending, Abandoned)

In the event that the Application Number and/or filing date is not available when this Declaration is executed, I hereby authorize and request any attorney associated with the Snell & Wilmer, L.L.P., Customer No. 20322, to insert above the filing date and/or the application number of said application when known.

Full name of first or joint inventor: Michael J. Berardi

Inventor's signature: *Michael J. Berardi* Date: 08/10/04

Residence Address: 7770 NW 50th St., #306

City/State: Lauderhill, Florida Zip Code: 33351

Citizenship: United States of America

Full name of second joint inventor: Michal Bliman

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence Address: 4 Dogwood Circle

City/State: Matawan, New Jersey Zip Code: 07747

Citizenship: United States of America

Full name of third joint inventor: David S. Bonalle

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence Address: 77 Rose Hill Avenue

City/State: New Rochelle, New York Zip Code: 10804

Citizenship: United States of America

Full name of fourth joint inventor: Peter D. Saunders

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence Address: 3710 East Palisade Drive

City/State: Salt Lake City, Utah Zip Code: 84109

Citizenship: United States of America



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**Citizenship:** **United States of America**

Full name of second joint inventor: Michal Bliman

Inventor's signature: Michal Bliman Date: 8/19/04

Residence Address: 4 Dogwood Circle

City/State: Matawan, New Jersey Zip Code: 07747

Citizenship: United States of America

Full name of third joint inventor: David S. Bonalle

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence Address: 77 Rose Hill Avenue

City/State: New Rochelle, New York Zip Code: 10804

Citizenship: United States of America

Full name of fourth joint inventor: Peter D. Saunders

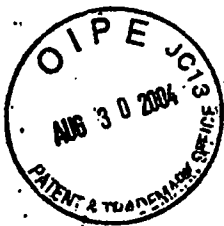
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**Citizenship:** United States of America

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Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

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City/State: Matawan, New Jersey Zip Code: 07747

Citizenship: United States of America

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Inventor's signature:  Date: 8/10/04

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Application(s)

Priority Not Claimed

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I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

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Application Number	Filing Date

<b>60/396,577</b>	<b>July 16, 2002</b>
Application Number	Filing Date

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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